



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDCT, MNSD, FFT

This matter was scheduled for a conference call at 1:30 p.m. on this date. The tenant participated in the teleconference, the landlord did not. The tenant testified that they served the landlord the Notice of Hearing Documents and Application by taping it to the landlord's door. The tenant was unable to recall on what date she had done that. Section 89 of the Act states:

Special rules for certain documents

89 (1) An application for dispute resolution or a decision of the director to proceed with a review under Division 2 of Part 5, when required to be given to one party by another, must be given in one of the following ways:

- (a) by leaving a copy with the person;
 - (b) if the person is a landlord, by leaving a copy with an agent of the landlord;
 - (c) by sending a copy by registered mail to the address at which the person resides or, if the person is a landlord, to the address at which the person carries on business as a landlord;
 - (d) if the person is a tenant, by sending a copy by registered mail to a forwarding address provided by the tenant;
 - (e) as ordered by the director under section 71
- (1) *[director's orders: delivery and service of documents]*.

As the tenant has not served the Notice of Hearing Documents and Application as noted above I find that they have not served the landlord in accordance with section 89 of the Act, accordingly; I dismiss their application with leave to reapply. Leave to reapply is not an extension of any applicable timeline.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Residential Tenancy Act*.

Dated: September 27, 2019

Residential Tenancy Branch